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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,430	04/01/2004	Keith Reichow	157468003US1	8824
25096	7590	11/16/2005	EXAMINER	
PERKINS COIE LLP				NGUYEN, HUNG T
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				ART UNIT
				PAPER NUMBER
				2636

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/816,430	REICHOW ET AL.	
	Examiner	Art Unit	
	HUNG T. NGUYEN	2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 April 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-49 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 April 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/22/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

Drawings

1. The drawings are objected to because figs.3-4 & 6 are NOT clear, they are too dark to see. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The abstract of the disclosure is objected to because it is improperly way to disclose from line 11, after "the load indicator." to the end.

In line 11, after "the load indicator." Delete "it is emphasized-----the claims (37 C.F.R. & 1.172(b))." Correction is required. See MPEP § 608.01(b).

3. In the claims, There are two of claims are numbered 25 and without a claim is numbered 22. Please correct it.

In claim 36, Please double check all the limitations.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1-49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

All of independent claims 1,15, 26, 33, 41 & 46 recite the limitations "the other one". There are insufficient antecedent basis for these limitations in the claims.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-11, 13-20, 22-30 & 32-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doller (U.S. 4,727,352).

Regarding claims 1 & 33, Doller discloses a vehicle (11) having a overload warning system (10) [fig.1, col.2, lines 5-17, line 62 to col.3, line 7 and abstract] comprising:

- a load support as a bed (14) is positioned on the vehicle (11) [fig.1, col.3, lines 3-7];
- a frame is mounted to the vehicle (11) [fig.1, col.3, lines 3-7];
- suspension device / leaf springs (15) are positioned on the frame (14) [fig.1, col.3, lines 3-7];
- an overload indicator (10) is connected to the frame, suspension device (15) of the vehicle for detecting vertical position as downward when an excess load is encountered [figs.1,6,9, col.3, lines 3-7, col.4, lines 7-14];
- a preset load limit has been reached and continued loading causes activation of the electrical switch and alarm signals in the form of visual or audible will be activated to the driver [col.5, lines 11-18 and abstract].

The reference of Doller does not specifically mention the words of engagement portion moves from the first position to the second position and switch is resiliently bendable as claimed by applicant.

However, Doller clearly teaches that the overload indicator (10) is connected to the frame, suspension device (15) of the vehicle for detecting vertical position as the

loading portions are moving downward when an excess load is encountered [figs.1,6,9, col.3, lines 3-7, col.4, lines 7-14];

- the preset load limit has been reached and continued loading causes activation of the electrical switch and alarm signals in the form of visual or audible will be activated to the driver [col.5, lines 11-18 and abstract]; and
- the switch of alarm signal can be compressed condition as contact pins of the indicator to come together and set off the alarm [col.1, lines 43-58].

Therefore, it would have been obvious to one having ordinary skill in the art to utilize the system of Doller for detecting an improperly overload status in the vehicle as the loading portions are moving to the downward positions and contacts to the switching mechanism of the alarm.

Regarding claims 2 & 34, Doller discloses a bracket member (39) is attached to the load support as a bed (14) [fig.1, col.3, lines 49-52].

Regarding claims 3-5, 36-38 & 40, Doller discloses the overload warning system (10) is secured to rear axle of the vehicle (11) for monitoring the overloading condition [fig.1, col.2, lines 5-17, line 62 to col.3, line 7 and abstract];

- the load support as a bed (14) is positioned on the vehicle (11) [fig.1, col.3, lines 3-7];
- the frame is mounted to the vehicle (11) [fig.1, col.3, lines 3-7];

- the suspension device / leaf springs (15) are positioned on the frame (14) [fig.1, col.3, lines 3-7];
- the overload indicator (10) is connected to the frame, suspension device (15) of the vehicle for detecting vertical position as downward when an excess load is encountered [figs.1,6,9, col.3, lines 3-7, col.4, lines 7-14];
- the switch of alarm signal can be compressed condition as contact pins of the indicator to come together and set off the alarm [col.1, lines 43-58].
- the bracket member (39) is attached to the load support as a bed (14) [fig.1, col.3, lines 49-52].

Regarding claims 6 & 35, Doller discloses the overload warning system (10) is receiving power from a battery (62) [fig.10, 15-16, col.2, lines 5-17, col.5, lines 9-27 and col.6, lines 14-32].

Regarding claims 7-11 & 13, Doller discloses an overload indicator circuit (10) is connected to the frame, suspension device (15) of the vehicle for detecting vertical position as downward when an **excess load is encountered** [figs.1,6,9, col.3, lines 3-7, col.4, lines 7-14];

- the preset load limit has been **reached** and continued loading causes activation of the electrical switch and alarm signals in the form of **visual or audible** will be activated to the driver [col.5, lines 11-18 and abstract].

Regarding claim 14, Doller discloses the overload warning system (10) is secured to rear axle of the vehicle (11) for monitoring the overloading condition [fig.1, col.2, lines 5-17, line 62 to col.3, line 7 and abstract].

Regarding claims 15 & 26, Doller discloses a vehicle (11) having a overload warning system (10) [fig.1, col.2, lines 5-17, line 62 to col.3, line 7 and abstract] comprising:

- a load support as a bed (14) is positioned on the vehicle (11) [fig.1, col.3, lines 3-7];
- a frame is mounted to the vehicle (11) [fig.1, col.3, lines 3-7];
- suspension device / leaf springs (15) are positioned on the frame (14) [fig.1, col.3, lines 3-7];
- an overload indicator (10) is connected to the frame, suspension device (15) of the vehicle for detecting vertical position as downward when an excess load is encountered [figs.1,6,9, col.3, lines 3-7, col.4, lines 7-14];
- a preset load limit has been reached and continued loading causes activation of the electrical switch and alarm signals in the form of visual or audible will be activated to the driver [col.5, lines 11-18 and abstract].

The reference of Doller does not specifically mention the words of engagement portion moves from the first position to the second position as claimed by applicant.

However, Doller clearly teaches that the overload indicator (10) is connected to the frame, suspension device (15) of the vehicle for detecting vertical position as the loading portions are moving downward when an excess load is encountered [figs.1,6,9, col.3, lines 3-7, col.4, lines 7-14];

- the preset load limit has been reached and continued loading causes activation of the electrical switch and alarm signals in the form of visual or audible will be activated to the driver [col.5, lines 11-18 and abstract]; and
- the switch of alarm signal can be compressed condition as contact pins of the indicator to come together and set off the alarm [col.1, lines 43-58].

Therefore, it would have been obvious to one having ordinary skill in the art to have the system of Doller for detecting an improperly overload status in the vehicle as the loading portions are moving to the downward positions and contacts to the switching mechanism of the alarm.

Regarding claims 16, Doller discloses a bracket member (39) is attached to the load support as a bed (14) [fig.1, col.3, lines 49-52].

Regarding claims 17 & 28, Doller clearly teaches that the overload indicator (10) is connected to the frame, suspension device (15) of the vehicle for detecting vertical position as the loading portions are moving downward when an excess load is encountered [figs.1,6,9, col.3, lines 3-7, col.4, lines 7-14];

- the preset load limit has been reached and continued loading causes activation of the electrical switch and alarm signals in the form of visual or audible will be activated to the driver [col.5, lines 11-18 and abstract]; and
- the switch of alarm signal can be compressed condition as contact pins of the indicator to come together and set off the alarm [col.1, lines 43-58].

Regarding claims 18-20, Doller discloses the overload warning system (10) is secured to rear axle of the vehicle (11) for monitoring the overloading condition [fig.1, col.2, lines 5-17, line 62 to col.3, line 7 and abstract];

- the frame is mounted to the vehicle (11) [fig.1, col.3, lines 3-7];
- the suspension device / leaf springs (15) are positioned on the frame (14) [fig.1, col.3, lines 3-7];
- the overload indicator (10) is connected to the frame, suspension device (15) of the vehicle for detecting vertical position as downward when an excess load is encountered [figs.1,6,9, col.3, lines 3-7, col.4, lines 7-14];
- the bracket member (39) is attached to the load support as a bed (14) [fig.1, col.3, lines 49-52].

Regarding claims 22, 25 & 37-40, Doller discloses an overload indicator circuit (10) is connected to the frame, suspension device (15) of the vehicle for detecting vertical position as downward when an **excess load is encountered** [figs.1,6,9, col.3, lines 3-7, col.4, lines 7-14];

- the preset load limit has been **reached** and continued loading causes activation of the electrical switch and alarm signals in the form **of visual or audible** will be activated to the driver [col.5, lines 11-18 and abstract].

Regarding claim 23, Doller discloses the overload warning system (10) is secured to rear axle of the vehicle (11) for monitoring the overloading condition [fig.1, col.2, lines 5-17, line 62 to col.3, line 7 and abstract].

Regarding claim 24, Doller discloses the overload warning system (10) is receiving power from a battery (62) for detecting the overloading condition [fig.10, 15-16, col.2, lines 5-17, col.5, lines 9-27 and col.6, lines 14-32].

Regarding claim 27, Doller discloses the overload warning system (10) is receiving power from a battery (62) [fig.10, 15-16, col.2, lines 5-17, col.5, lines 9-27 and col.6, lines 14-32].

Regarding claims 29-30 & 32, Doller discloses an overload indicator circuit (10) is connected to the frame, suspension device (15) of the vehicle for detecting vertical position as downward when an **excess load is encountered** [figs.1,6,9, col.3, lines 3-7, col.4, lines 7-14];

- the preset load limit has been **reached** and continued loading causes activation of the electrical switch and alarm signals in the form of **visual or audible** will be activated to the driver [col.5, lines 11-18 and abstract]

Regarding claims 41 & 46, Doller discloses a vehicle (11) having a overload warning system (10) [fig.1, col.2, lines 5-17, line 62 to col.3, line 7 and abstract] comprising:

- the overload warning system (10) is receiving power from a battery (62) for detecting the overloading status [fig.10, 15-16, col.2, lines 5-17, col.5, lines 9-27 and col.6, lines 14-32].
- a load support as a bed (14) is positioned on the vehicle (11) [fig.1, col.3, lines 3-7];
- a frame is mounted to the vehicle (11) [fig.1, col.3, lines 3-7];
- suspension device / leaf springs (15) are positioned on the frame (14) [fig.1, col.3, lines 3-7];
- an overload indicator (10) is connected to the frame, suspension device (15) of the vehicle for detecting vertical position as downward when an excess load is encountered [figs.1,6,9, col.3, lines 3-7, col.4, lines 7-14];
- a preset load limit has been reached and continued loading causes activation of the electrical switch and alarm signals in the form of visual or audible will be activated to the driver [col.5, lines 11-18 and abstract].

The reference of Doller does not specifically mention the words of engagement portion moves from the first position to the second position as claimed by applicant.

However, Doller clearly teaches that the overload indicator (10) is connected to the frame, suspension device (15) of the vehicle for detecting vertical position as the loading portions are moving downward when an excess load is encountered [figs.1,6,9, col.3, lines 3-7, col.4, lines 7-14];

- the preset load limit has been reached and continued loading causes activation of the electrical switch and alarm signals in the form of visual or audible will be activated to the driver [col.5, lines 11-18 and abstract]; and
- the switch of alarm signal can be compressed condition as contact pins of the indicator to come together and set off the alarm [col.1, lines 43-58].

Therefore, it would have been obvious to one having ordinary skill in the art to employ the system of Doller for detecting an improperly overload status in the vehicle as the loading portions are moving to the downward positions and contacts to the switching mechanism of the alarm.

Regarding claim 42, Doller discloses the overload warning system (10) is secured to rear axle of the vehicle (11) for monitoring the overloading condition [fig.1, col.2, lines 5-17, line 62 to col.3, line 7 and abstract];

- the overload indicator (10) is connected to the frame, suspension device (15) of the vehicle for detecting vertical position as downward when an excess load is encountered [figs.1,6,9, col.3, lines 3-7, col.4, lines 7-14]; and
- the bracket member (39) is attached to the load support as a bed (14) [fig.1, col.3, lines 49-52].

Regarding claims 43-45 & 47-49, Doller discloses an overload indicator circuit (10) is connected to the frame, suspension device (15) of the vehicle for detecting vertical

position as downward when an **excess load is encountered** [figs.1,6,9, col.3, lines 3-7, col.4, lines 7-14];

- the preset load limit has been **reached** and continued loading causes activation of the electrical switch and alarm signals in the form of **visual or audible** will be activated to the driver [col.5, lines 11-18 and abstract]; and
- the switch of alarm signal can be compressed condition as contact pins of the indicator to come together and set off the alarm [col.1, lines 43-58].

8. Claims 12, 21 & 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doller (U.S. 4,727,352) in view of Nommensen Patent Application Publication U.S. 2004/0032323.

Regarding claims 12, 21 & 31, The reference of Doller does not specifically mention the overload warning when the vehicle is in park or neutral gear condition as claimed by the applicant.

Furthermore, Nommensen teaches detecting apparatus in the vehicle when a truck is overloaded, an alarm signal will be activated when the truck is parked, or engine is running or off condition [paragraph 0005].

Therefore, it would have been obvious to one having ordinary skill in the art to utilize the teaching of Nommensen in the system of Doller for monitoring the vehicle is overloaded when the truck or pickup is in parked / stopping condition.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Freeman (U.S. 4,812,806) Vehicle and method of indicating attainment of maximum axle load.
- Horsley (U.S. 5,376,760) Truck load indicator apparatus.
- Saling et al. (U.S. 5,844,474) Vehicle overload sensor.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (571) 272-2982. The examiner can normally be reached on Monday to Friday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass, Jeffery can be reached on (571) 272-2981. The fax phone number for this Group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

HUNG NGUYEN
PRIMARY EXAMINER

Examiner: Hung T. Nguyen

Date: Nov. 13, 2005